

FILED

February 7, 1984

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

IRWIN I. KIMMELMAN
ATTORNEY GENERAL OF NEW JERSEY

By: JOAN D. GELBER
DEPUTY ATTORNEY GENERAL
Division of Law, Room 316
1100 Raymond Boulevard
Newark, New Jersey 07102
Tel. (201) 648-2478

ORIGINAL

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS
DOCKET NO. H83-5130

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :
WILBERT LEVINE, D.C. :
LICENSE NO. 1277 :
TO PRACTICE CHIROPRACTIC :
IN THE STATE OF NEW JERSEY :

Administrative Action

NOTICE OF HEARING AND
REQUIREMENT TO FILE ANSWER

TO: WILBERT LEVINE, D.C.
1020 Main Street
Paterson, New Jersey

TAKE NOTICE that a Complaint, copy annexed, has been made to the New Jersey State Board of Medical Examiners. A hearing will be held at a date, time and place to be determined by the Office of Administrative Law to hear the Complaint and consider the matter of the suspension or revocation of your license to practice chiropractic pursuant to the authority conferred upon the Board

by N.J.S.A. 45:9-14.1 et seq., 45:1-14 et seq., and related administrative code regulations. Adjournments will not be granted except upon timely written application to the Board and for good cause shown; any expenses incurred by the Board as a result thereof may be taxed to you. You are further notified that the Board requires you to file an answer to the above charges within ten (10) days from service of the Complaint. You may file an answer by mail to the addresses listed below.

An answer of guilty or non vult will indicate that you do not wish to contest the charges stated, thus rendering unnecessary any hearing in this proceeding. Your case will then be presented to the State Board of Medical Examiners within thirty (30) days from receipt of your answer or on an adjourned date together with any written matter you may wish to submit with your answer in alleged mitigation of penalty, for a determination as to whether disciplinary sanctions, including suspension or revocation of your license to practice chiropractic should be imposed and whether monetary penalty shall be assessed and, if so, the amount thereof, pursuant to the authority conferred upon the Board by N.J.S.A. 45:9-14.1 and 45:1-14 et seq.

An answer of not guilty will result in a formal hearing which may be conducted by the Board or by an Administrative Law Judge who, upon notice to you, will hear the Complaint and consider the matter of disciplinary sanctions with respect to your license and recommend the determinations set forth above. You may appear

at the hearing either in person or by attorney or both and you shall be afforded an opportunity at that time to make defense to any or all of the charges.

Failure to respond to this Notice of Hearing and Requirement To File Answer or failure to appear as set forth herein may result in the matter being considered in your absence. A decision rendered by this Board may affect your privilege to practice chiropractic in this State.

STATE BOARD OF MEDICAL EXAMINERS

By: Charles A. Janousek
Executive Secretary

DATED: FEB 3 1984

Kindly address all correspondence to:

N.J. State Board of Medical Examiners
28 West State Street, Room 914
Trenton, New Jersey 08608
Telephone: (609) 292-4843

With two (2) copies of your answer specifically responding to each paragraph of the Complaint to:

Honorable Irwin I. Kimmelman
Attorney General of New Jersey
Attention: JOAN D. GELBER
DEPUTY ATTORNEY GENERAL
Division of Law, Room 316
1100 Raymond Boulevard
Newark, New Jersey 07102
Telephone: (201) 648-2478

FILED

February 7, 1984

IRWIN I. KIMMELMAN
ATTORNEY GENERAL OF NEW JERSEY

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

By: JOAN D. GELBER
DEPUTY ATTORNEY GENERAL
Division of Law, Room 316
1100 Raymond Boulevard
Newark, New Jersey 07102
Tel: (201) 648-2478

ORIGINAL

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS
DOCKET NO. H83-5130

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	Administrative Action
	:	
WILBERT LEVINE, D.C.	:	COMPLAINT
LICENSE NO. 1277	:	
	:	
TO PRACTICE CHIROPRACTIC IN	:	
THE STATE OF NEW JERSEY	:	
	:	

Irwin I. Kimmelman, Attorney General of New Jersey by
Joan D. Gelber, Deputy Attorney General, with offices located at
1100 Raymond Boulevard, Newark, New Jersey by way of Complaint says:

COUNT I

1. Complainant, Attorney General of New Jersey, is charged
with enforcing the laws of the State of New Jersey, pursuant to
N.J.S.A. 52:17A-4(h) and 45:1-14 et seq.

2. The New Jersey State Board of Medical Examiners is
charged with the duty and responsibility of regulating the practice
of chiropractic in the State of New Jersey pursuant to N.J.S.A.
45:9-1 et seq., and 45:1-14 et seq.

3. Respondent Wilbert Levine, D.C., with offices at 1020 Main Street, Paterson, New Jersey is the holder of a license to practice chiropractic in the State of New Jersey.

4. During the period April 1981 through October 1982 respondent submitted to Blue Shield of New Jersey, a health insurance carrier, numerous claims for performance of x-rays purportedly taken during the course of treatment of insured patients.

5. Review was made of a sample of said x-ray claims. Of 224 x-rays allegedly taken, 30 (or 13%) were missing. Upon demand made therefore, respondent failed to provide them. See Schedule A attached.

6. Respondent billed for services not rendered, N.J.A.C. 13:35-6.11, which constitutes violation of N.J.S.A. 45:1-21(b), (e), and (h), and failure of the continuing statutory requirement of good moral character, N.J.S.A. 45:9-6. Alternatively, respondent failed to properly maintain necessary authenticating records, in violation of N.J.A.C. 13:35-6.5, or respondent failed to properly authenticate claims submitted, N.J.A.C. 13:35-6.5.

COUNT II

1. Complainant repeats the allegations of Count I as though set forth in their entirety herein.

2. Respondent regularly took x-rays of patients whose diagnosis, as made by respondent, indicated no clinical need for the x-ray views taken. Unnecessary x-ray exposures to particular patients are set forth on Schedule B attached.

3. Each instance of the abovesaid improper conduct constitutes gross negligence or incompetence, or repeated negligence or incompetence in violation of N.J.S.A. 45:1-21(c) or (d).

COUNT III

1. Complainant repeats the allegations of Counts I and II in their entirety.

2. Respondent submitted claims for payment of x-ray views identified on Schedule B attached.

3. The views for which respondent demanded reimbursement were unnecessary to the chiropractic management of the patients named on Schedule B.

4. Each instance of the abovesaid improper conduct constitutes misrepresentation and professional misconduct, in violation of N.J.S.A. 45:1-21(b) and (e) and failure of good moral character, N.J.S.A. 45:9-41.5.

COUNT IV

1. Complainant repeats the allegations of Counts I, II & III in their entirety.

2. During the time period set forth in Count I, respondent's radiology practices have been consistently non-diagnostic and/or not in conformance with standards of practice technique. They exhibit the following deficiencies, among others:

- (a) Lateral cervical views contain grid marks or bucky lines resulting from improper use of equipment.

- (b) Films do not contain right or left identification, causing ambiguity in locating pathology.
- (c) Lumbar films are taken through clothing containing metal or other artifacts such as wallets, keys, and wristwatches, which may and/or do obscure body structures.
- (d) Cervical films are not properly collimated to protect against radiation of the lens of the eye.
- (e) Numerous films are underpenetrated.
- (f) Numerous films are overpenetrated.
- (g) Patients are improperly positioned. This deficiency includes, for example, failure to measure the patient prior to x-ray, resulting in severe underexposure or overexposure, or the improper collimation of pertinent anatomical parts off the film.

3. One hundred forty-five x-rays (65% of the 224 sampled for review) were taken in an improper manner. See Schedule C attached.

4. Each occasion of the above improper conduct constitutes an instance of gross and/or repeated negligence and/or incompetence, in violation of N.J.S.A. 45:1-21(c) and/or (d).

COUNT V

1. Complainant repeats the allegations of Counts I through IV in their entirety.

2. On January 17, 1984 respondent was served with a subpoena of the same date, requiring production of the original patient records of named persons, for all of whom respondent had submitted bills for services allegedly rendered on specified dates during 1981 and 1982.

3. The subpoena was returnable January 30, 1984. As of this date, respondent has failed to comply.

4. Said failure, without an adequate explanation, constitutes violation of N.J.S.A. 45:9-2 and 45:1-18.

COUNT VI

1. In the early part of 1981 respondent engaged in misrepresentation in advertising and offering unnecessary exposure of patients to x-rays. Said conduct resulted in the entry of an order by the Board of Medical Examiners dated March 23, 1981 requiring him to cease and desist from such conduct and imposing a penalty of \$1,000. The Order expressly required him to confine x-ray exposure to only such patients as had demonstrated a need for this diagnostic tool after the performance of a discriminating physical examination. Exhibit D attached.

2. Respondent's conduct as alleged in the present complaint constitutes professional misconduct based on repeated violation of the Chiropractic Practice Act and of the prior Order, N.J.S.A. 45:1-21(e) and (h).


3. As a subsequent offender respondent is liable to the more stringent sanctions authorized by N.J.S.A. 45:1-25.

WHEREFORE, complainant demands judgment against respondent Wilbert Levine, D.C. as follows:

1. The suspension or revocation of the license to practice chiropractic heretofore issued to respondent Wilbert Levine, D.C.;
2. An Order directing respondent Wilbert Levine, D.C., to cease, desist and refrain from the practice of chiropractic in the State of New Jersey;
3. Penalties for each separate fraudulent, negligent or incompetent act set forth in each Count;
4. Costs, including but not limited to costs of investigation, fact and expert witnesses, and trial transcripts;
5. Reimbursement to patients and/or third-party payors as shall be found appropriate; and
6. Such further relief as the Board of Medical Examiners shall deem just and appropriate.

IRWIN I. KIMMELMAN
ATTORNEY GENERAL OF NEW JERSEY

By


Joan D. Gelber
Deputy Attorney General

DATED: FEB 3 1984

SCHEDULE A

X-RAYS BILLED BUT NOT PRODUCED

ALLEGED SERVICE DATE

Beltran, Juana	7/21/81
Brown, Hester	6/25/81
Brown, Joseph	6/13/81
Cortes, Hector	11/5/81
Cristanello, Joan	5/6/82
Cruz, Josephine	1/16/82
Garcia, Nelson	12/15/82
Gery, James	5/14/81
Ibrahim, Mohammed	7/2/81
Leon, Rafael	7/30/81
Mendez, Jerman	4/24/82
McGovern, Christine	8/20/81
Sacoto, Carmen	10/20/81
" "	2/15/82
Scarpantoni, Nell	4/28/81
Siedlacek, Ella	5/19/81
Trinidad, Magda	7/23/81
Vargas, Carmen	9/19/81

SCHEDULE B

UNNECESSARY X-RAY VIEW

NAME	SERVICE DATE	VIEW
Beltran, Juana	7/21/81	cervical-thoracic
Brown, Joseph	6/13/81	cervical
Cahuana, Tania	2/6/82	lumbar
Canter, Larry	5/2/81	lumbar
Cevik, Izzet	4/5/82	cervical
Colon, Dora	5/28/82	lateral cervical & AP cervico-thoracic
Cordero, Concepcion	2/18/82	lumbar
Correa, Jose	9/13/82	thoracic & lateral cervical
Cortes, Hector	11/5/81	cervical & cervical thoracic
Cristanello, Joan	5/6/82	lateral cervical & AP cervico-thoracic
Cuadros, Juan	8/26/81	lumbar
Davis, Allen	8/20/82	cervical
DeSomma, Jerry	6/18/82	lateral & AP cervico- thoracic
Ettinger, Karen	5/4/82	Lateral cervical & AP cervico-thoracic
Gallo, Dianne	10/19/82	cervical & AP cervical- thoracic
Garcia, Nelson	8/16/82	A-P lumbosacral & lateral lumbar
Garrett, Steven	6/3/82	lateral cervical
Gery, James	5/14/82	lumbar
Ibrahim, Mohammed	7/2/81	lumbar
Lee, Ralph	2/26/82	lumbar

NAME

SERVICE DATE

VIEW

Mancuso, Anthony	3/12/82	A-P lumbosacral & lateral lumbar
Mancuso, David	3/5/82	A-P cervico-thoracic
Martinez, Josefina	5/8/82	lumbosacral
Mauro, Debbie	7/1/82	A-P lumbosacral & lateral lumbar
Mendez, Jerman	4/24/82	cervical
Perry, Suzanne	8/18/82	cervical
Rivadeneyra, Valentina	3/26/82	lumbar
Sacoto, Carmen	10/20/81	cervical-thoracic
Santiago, Jimmie	3/29/82	lateral cervical
Santiago, Juanita	4/14/82	lumbar
Scarpantoni, Nell	4/28/81	cervical
Torres, Julio	5/8/82	cervical & cervico- thoracic

NON-DIAGNOSTIC X-RAYS

KEY TO ABBREVIATIONS:

- O = overpenetrated
- U = underpenetration
- D = deficiency (such as missing vertebra, failure to note significant abnormality, etc.)
- Ch = chemical defect
- Cl = clothing, artifacts
- M = mechanical error (bucky off, screen artifacts, improper collimation, etc.)

NAME	SERVICE DATE	NO. OF FILMS	PROBLEMS
Hernandez, Olga	4/11/81	1	U, C1
Hozien, Zakieh	6/10/82	4	U, C1
Lee, Ralph	2/26/82	3	U, M, C1
Leon, Rafael	7/30/81	2	U, C1
Mancuso, Anthony	3/12/82	3	O, C1, U
Mancuso, David	3/5/82	2	C1, D, U
Martinez, Josefina	5/8/82	2	U
Mauro, Debbie	7/1/82	3	C1
McGovern, Christine	8/20/81	4	U, M, O, C1, Ch
Mendez, Jerman	4/24/82	1	U
Penareales, Margarita	11/19/81	3	M, C1, U
Perry, Suzanne	8/18/82	3	O, C1, U
Person, Harold	7/7/82	3	M, U
Reh, Helen	6/15/82	4	U
Rivadeneira, Valentina	3/26/82	4	U
Rivera, Isidore	3/8/82	4	U, C1
Rosario, Nancy	2/5/82	3	
Rosario, Norma	10/20/81	2	U, C1, D
Sacoto, C.	2/15/82	2	
Santana, Aida	8/2/82	2	U, C1
Santiago, Jimmie	3/29/82	4	M, U, C1
Santiago, Juanita	4/14/82	4	U, M, O, C1
Siedlacek, Ella	5/19/81	2	U
Torres, Julio	5/8/82	2	O, Ch
Trinidad, Magda	7/23/81	2	Ch, U
Vargas, Carmen	9/19/81	3	U, Ch, C1
Wain, Donald	8/23/82	1	U

FILED
MAY 26, 1981

State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF LAW

TELEPHONE (201) 648-2478

1100 Raymond Boulevard, Rm. 316, Newark, N.J. 07102

March 23, 1981

Thomas S. Dibiasi, Esq.
345 Centre Street
Nutley, N.J. 07110

Wilbert Levine, D.C.
276 Passaic Avenue
West Caldwell, N.J.

Gentlemen:

This matter was opened to the New Jersey State Board of Medical Examiners on March 11, 1981 on inquiry into advertising and office practices of Dr. Levine. Dr. Levine is represented by Thomas S. Dibiasi, Esq. It appears that Dr. Levine has issued to his patients of record advertising which offers coupons for a "free chiropractic weekend" including the availability of free x-rays. Dr. Levine has submitted an affidavit dated February 25, 1981 to the Board which presents an explanation of the above-described advertising. While he asserts that he did not intend his offer to be an unqualified assertion of the utility of chiropractic for all conditions, nor was he intending to offer x-rays indiscriminately, the advertisement itself contains no such qualification and his affidavit itself indicates that he administers x-rays in a routine manner to persons whose only indication is that they "desired to come under chiropractic care."

It is well established that x-ray exposure is harmful and cumulative, and patients should be exposed thereto only after a discriminating examination has revealed a need for same in order to further diagnose or analyze the patient's condition and to determine if the condition is amenable to chiropractic care. X-rays should never be offered "free" as an inducement or solicitation to patients.

Bearing in mind the apparent violation of N.J.S.A. 45:9-14.5, N.J.A.C. 13:35-6.13 and also recognizing Dr. Levine's certification that he shall avoid such violation henceforth, he is hereby ordered to cease and desist from the above improper and unsafe advertising and

"CERTIFIED TRUE COPY"

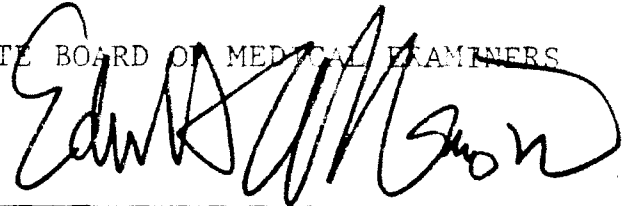
Thomas S. Dibiassi, Esq.

-2-

March 23, 1981

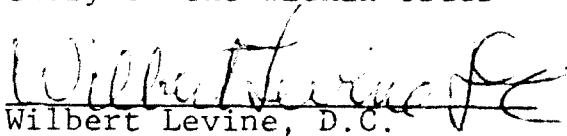
office practices, and assessed a penalty of \$1,000 payable to the New Jersey State Board of Medical Examiners within ten (10) days of date.

STATE BOARD OF MEDICAL EXAMINERS



Edwin H. Albano, M.D.
President

I consent to the terms and
entry of the within order



Wilbert Levine, D.C.



Thomas S. Dibiassi, Esq.
Attorney for Dr. Levine

"CERTIFIED TRUE COPY"

FILED

February 14, 1984

CITRINO, BALSAM, DI BIASI & DAUNNO
345 Centre Street
Nutley, New Jersey 07110
(201) 235-1414
Attorneys for Wilbert Levine, D.C.

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS
DOCKET NO. H83-5130

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF : Administrative Action
:
WILBERT LEVINE, D.C. : ANSWER
LICENSE NO. 1277 :
:
TO PRACTICE CHIROPRACTIC :
IN THE STATE OF NEW JERSEY :
:
:

ORIGINAL

Wilbert Levine says by way of Answer to the
Complaint as follows:

COUNT I

1. Respondent admits the allegations contained in paragraph 1 of Count I of the Complaint.
2. Respondent admits the allegations contained in paragraph 2 of Count I of the Complaint.
3. Respondent admits the allegations contained in paragraph 3 of Count I of the Complaint.

4. Respondent does not have sufficient information to either affirm or deny the allegations contained in paragraph 4 of Count I of the Complaint, and therefore, leaves complainant to his proof.

5. Respondent does not have sufficient information to either affirm or deny the allegations contained in paragraph 5 of Count I of the Complaint and therefore, leaves complainant to his proof.

6. Respondent denies the allegations contained in paragraph 6 of Count I of the Complaint.

COUNT II

1. Respondent repeats and realleges his answers to the allegations contained in Count I of the Complaint as if the same were set forth here at length.

2. Respondent denies the allegations contained in paragraph 2 of Count II of the Complaint.

3. Respondent denies the allegations contained in paragraph 3 of Count II of the Complaint.

COUNT III

1. Respondent repeats and realleges his answers to the allegations contained in Counts I and II of the Complaint as if the same were set forth here at length.

2. Respondent does not have sufficient information to either affirm or deny the allegations contained in paragraph 2 of Count III of the Complaint and, therefore, leaves complainant to his proof.



FILED
MAY 26, 1981

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF LAW

TELEPHONE (201) 648-2478

1100 Raymond Boulevard, Rm. 316, Newark, N.J. 07102

March 23, 1981
ORIGINAL

Thomas S. Dibiasi, Esq.
345 Centre Street
Nutley, N.J. 07110

Wilbert Levine, D.C.
276 Passaic Avenue
West Caldwell, N.J.

Gentlemen:

This matter was opened to the New Jersey State Board of Medical Examiners on March 11, 1981 on inquiry into advertising and office practices of Dr. Levine. Dr. Levine is represented by Thomas S. Dibiasi, Esq. It appears that Dr. Levine has issued to his patients of record advertising which offers coupons for a "free chiropractic weekend" including the availability of free x-rays. Dr. Levine has submitted an affidavit dated February 25, 1981 to the Board which presents an explanation of the above-described advertising. While he asserts that he did not intend his offer to be an unqualified assertion of the utility of chiropractic for all conditions, nor was he intending to offer x-rays indiscriminately, the advertisement itself contains no such qualification and his affidavit itself indicates that he administers x-rays in a routine manner to persons whose only indication is that they "desired to come under chiropractic care."

It is well established that x-ray exposure is harmful and cumulative, and patients should be exposed thereto only after a discriminating examination has revealed a need for same in order to further diagnose or analyze the patient's condition and to determine if the condition is amenable to chiropractic care. X-rays should never be offered "free" as an inducement or solicitation to patients.

Bearing in mind the apparent violation of N.J.S.A. 45:9-14.5, N.J.A.C. 13:35-6.13 and also recognizing Dr. Levine's certification that he shall avoid such violation henceforth, he is hereby ordered to cease and desist from the above improper and unsafe advertising and

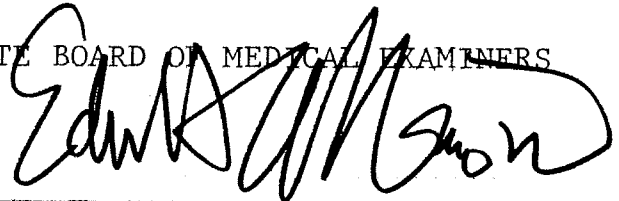
Thomas S. Dibiasi, Esq.

-2-

March 23, 1981

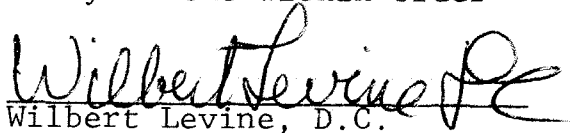
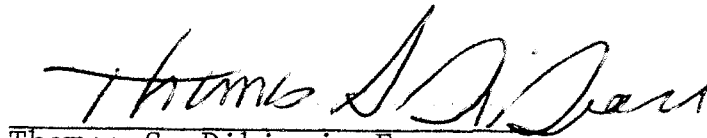
office practices, and assessed a penalty of \$1,000 payable to the New Jersey State Board of Medical Examiners within ten (10) days of date.

STATE BOARD OF MEDICAL EXAMINERS



Edwin H. Albano, M.D.
President

I consent to the terms and
entry of the within order


Wilbert Levine, D.C.
Thomas S. Dibiasi, Esq.
Attorney for Dr. Levine

EFFECTIVE
September 1, 1984
NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

FILED

IRWIN I. KIMMELMAN
ATTORNEY GENERAL OF NEW JERSEY

September 4, 1984
NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

By: JOAN D. GELBER
DEPUTY ATTORNEY GENERAL
Division of Law, Room 316
1100 Raymond Boulevard
Newark, New Jersey 07102
Tel. (201) 648-2478

ORIGINAL

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS
DOCKET NO. H-83-5130
OAL BDS# 1133-84

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF : Administrative Action
WILBERT LEVINE, D.C. :
LICENSE NO. 1277 :
: FINAL ORDER
: TO PRACTICE CHIROPRACTIC :
IN THE STATE OF NEW JERSEY :
:

This matter was opened to the New Jersey State Board of Medical Examiners by way of Complaint filed February 7, 1984 by the Attorney General of New Jersey, by Joan D. Gelber, Deputy Attorney General. The Complaint alleged that respondent, who practices at 1020 Main St., Paterson (and practiced under the name of Chiropractic Associates, Inc.) had submitted to Blue Shield of New Jersey claims for X-rays of 18 patients which he could not produce when demand was made. He was charged with billing for services not rendered or, alternatively, for failure to maintain necessary authenticating records. He was further charged with exposing 32 patients to radiation when his diagnosis of their conditions indicated no clinical need for the X-ray views taken and for whose chiropractic management the exposures were unnecessary. The Complaint further alleged that his radiology practices have been consistently non-diagnostic and not in conformance with standards of practice; this charge affected 51 patients. A final Count

charged professional misconduct based on violation of a prior Board Order of March 23, 1981 directing him to limit X-ray exposures of his patients. (Count V of the Complaint was withdrawn by the Attorney General when respondent belatedly complied with a subpoena for production of patient records.) The various Counts charged violations of N.J.S.A. 45:1-21 (b), (c), (d), (e) and (h); 45:9-41.5 and N.J.A.C. 13:35-6.11 and 13:35-6.5.

Respondent has been represented by Thomas DiBiasi, Esq. and subsequently by Anthony F. LaBue, Esq., and now pleads no contest to the charges in the Complaint.

For the purpose of amicable settlement of this matter, and for sufficient cause shown,

IT IS, on this 8th day of August, 1984

ORDERED:

1. Respondent is assessed a total sum of \$9,000 payable to the State Board of Medical Examiners. That sum includes investigative costs of \$670, penalty in the sum of \$2500 for Counts I-IV and VI. The balance shall be apportioned to reimburse Blue Shield for all payments made to respondent for the 54 patient claims at issue in this case and the remainder reimbursed to the patients (credit for a maximum of \$50 worth of chiropractic services to each patient has already been deducted from this sum.) A Certificate of Debt shall be filed. The \$9,000 may be paid by respondent in monthly installments of \$750 due on the first of each month and full payment shall be completed no later than August 30, 1985. Any failure to make timely payments shall automatically set aside the staying provision of the suspension order set forth below and the entirety of the term shall become an active suspension in addition to the other sanctions.
2. Respondent's license to practice chiropractic in this State is hereby suspended for three years. The first year of the suspension shall be active and the remainder shall be stayed and become a period of probation upon his compliance with the express conditions set forth in this Order.

3. During the active suspension period respondent shall take and complete a Board-approved course in a Board-approved chiropractic college in physical diagnosis and a course in radiographic technique. Satisfactory completion of both courses shall be demonstrated by a letter from the instructor or school registrar attesting to regular attendance at all classes and to passage of final examinations.

4. Respondent, who had been practicing under the name Chiropractic Associates, Inc., shall be permitted to continue to do business as a professional entity provided that respondent's name does not appear on the office premises or on any advertisement, business card, stationery or billhead or claim forms; he shall not be present in the office when patients are there; he shall not receive directly or indirectly fees for chiropractic services to patients offered by other shareholders, if any, in the entity or employees; and he promptly corrects its form to that of a professional association.

5. Respondent shall be eligible for a reduction in the mandatory active suspension period upon providing proof to the satisfaction of the Board, which shall not be unreasonably withheld, of the following:

a) completion of and passage of final examination in both required corrective courses;

b) payment of at least 50% of the total payments due under this Order;

c) written agreement by an independent chiropractor licensed in this State, selected by respondent and approved by the Board and not an employee or relative of respondent, to review on a weekly basis the chiropractic patient records of all patients seen by respondent during any part of the active suspension period which was modified. The review shall include the preparation of a monthly report submitted by the consultant for the Board's file listing the number of cases reviewed and summarizing his/her opinion as to the adequacy of the following factors which respondent must include hereafter in every patient record so long as he remains in practice: a sufficient history; description of the physical examination and diagnostic tests performed; physical and X-ray findings (if any); and a diagnosis made thereon; together with a

treatment plan or notice of referral to another health care practitioner; and a description of the adjustments and other preliminary treatments (if any) rendered during each patient visit with a notation of patient progress or lack thereof as a result of each treatment. The consultant shall promptly inform respondent of any deficiencies and shall instruct him as to corrective action to be taken. Respondent shall authorize the consultant in advance that substantial deficiencies shall be immediately reported to the Board, and other deficiencies shall be noted in the monthly reports. All services rendered by the consultant are to be at the expense of respondent and not passed on to respondent's patients.

6. Prior to the end of the period of active suspension and the return of respondent's license and registration, he shall personally appear, on notice, before a Board committee designated for the purpose of conducting a status conference with him. The conference shall consider, but not necessarily be limited to, inquiry as to compliance with prior terms of the Order, his plans, and ability to comply with the requirements of law. Active practice on the terms of the probation shall not resume until the conclusion of the conference.

THIS ORDER SHALL BE EFFECTIVE Sept. 1, 1984, AND RESPONDENT SHALL COMPLY WITH ALL APPLICABLE PROVISIONS OF BOARD REQUIREMENTS AFFECTING LICENSEES WHO HAVE BEEN DISCIPLINED, TERMS OF WHICH ARE ATTACHED AND ARE DEEMED INCORPORATED HEREIN.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: Frank J. Malta

Frank J. Malta, M.D., Vice President

I consent to the terms and entry of the within Order.

Wilbert Levine, D.C.

Wilbert Levine, D.C.

LaBue, Farber & Newman, Esqs.
Attorneys for Dr. Levine

by Jeffrey Bronson
Jeffrey Bronson, Esq.

FILED

MAY 30, 1985

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS
DOCKET NO. H-83-5130
OAL BDS# 1133-84

ORIGINAL

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :

WILBERT LEVINE, D.C.
LICENSE NO. 1277

Administrative Action

TO PRACTICE CHIROPRACTIC :
IN THE STATE OF NEW JERSEY :

FINAL ORDER, AMENDED

This matter was opened to the New Jersey State Board of Medical Examiners on application by Wilbert Levine, D.C., for reduction in the term of active suspension set forth in the consent order filed September 4, 1984, on the ground that he has complied with certain prerequisite provisions for such modification set forth in the order. Respondent is represented by Anthony F. LaBue, Esq. The original order required, in part, that during the active suspension period respondent shall take and complete a Board-approved course in a Board-approved Chiropractic College in physical diagnosis and a course in radioactive technique. He has submitted satisfactory proof from the New York Chiropractic College certifying that he has successfully completed both x-ray I and diagnosis VII at that institution and received passing grades in both courses.

Another provision of the order required that respondent shall be eligible for a reduction in the mandatory year of active suspension on providing proof of payment of at least 50 percent of the total of

\$9,000.00 required by the terms of the order. He was permitted to pay monthly installments of \$750.00 due on the 1st of each month effective September 1, 1984 with the entirety completed no later than August 30, 1985. Payments were not made timely and, despite a prior agreement with respondent that all checks for reimbursement to patients should be sent to the Attorney General's Office, each made individually payable to the appropriate patient and in the proper sum, no such checks have been received to date. Moreover, not until after respondent had met with a committee of the Medical Board on his request for reinstatement did he make payments in an amount to preliminarily satisfy provision 5b. As of this date, however, he has paid \$4,750, thus meeting the threshold requirement of Section 5b.

IT IS, THEREFORE, on this 13th day of May 1985 ORDERED that the remaining portion of the active suspension period shall be stayed and become a period of probation effective May 9, 1985 on his continued compliance with the following express conditions:

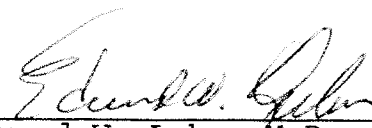
1. He shall immediately submit for Board approval the written agreement by an independent chiropractor specified in paragraph 5c of the original order, which person shall review respondent's patient records and chiropractic management.
2. Respondent shall continue regular payments to satisfy the balance of the total sum remaining, i.e. \$4,250.00. These monies shall be submitted to the Attorney General's Office in the way set forth in the confidential attachment listing the names and addresses and amount to be reimbursed to each patient. If respondent is delinquent in any payment, the staying of the suspension shall be

immediately and automatically vacated upon issuance of notice to respondent by the Board office of the failure to receive the specific checks due for that month.

This order shall be effective upon entry.

STATE BOARD OF MEDICAL EXAMINERS

By:



Edward W. Luka, M.D.

President